

# Regulatory Advisory Committee Comments on 1<sup>st</sup> Draft

Regulations Governing Beach Protection and the Use of  
Beaches

February 24, 2015 version

# Definitions

**“Accidental Event ”** an undesirable or unfortunate happening that occurs unintentionally and usually results in damage, or loss of property

- \* Does property mean land or improvements or both?
- \* Suggestion: ”damage to, or loss of property”

# Definitions

**“Emergency ”** means any unusual incident resulting from natural or unnatural causes which endangers the health, safety or resources of the general public, including damages or erosion of any shoreline resulting from a hurricane, storm or any such natural disturbance

- \* What would an unnatural cause be? What are examples of natural or unnatural causes?
- \* This is word for word from the Act definitions

# Definitions

“**Improve** ” to bring into a more desirable or excellent condition

- \* Grammatically, can something be “more excellent?”

“**Porch** ” a open or screened area adjoining an entrance to a building

- \* Would this include patios?

# Definitions

**“Smallest Subset of Lots ”** smallest identifiable group of lawfully subdivided, contiguous lots that exist within a subdivision, development or community separated by either roads or subdivision boundaries. If there are no roads or walkways separating groups of lots, the smallest set of lots shall not exceed seven (7) lots

- \* First you say separated by “roads, then roads or walkways”
- \* Typo – should read “roads or subdivision boundaries”

# Definitions

**“Temporary Structure”** means any not permanent non-habitable that can be easily removed from the site within a short time frame using minimal equipment and/or man power. Examples include, but are not limited to signs, benches, sheds, ramps, steps or walkways.

- \* **Missing a word?**
- \* Yes, another typo. Should read “... not permanent non-habitable structure”

# Definitions

“Update ” to bring up to date

- \* Bring what up to date?
- \* Explained in body of Regulations (Section 2.6.1.1 No property owner shall be prevented within the regulated area from repairing, modifying, modernizing, updating, or improving their existing structure, or, by performing such actions, be required to relocate or reduce in size so long as these repairs, modifications, or improvements are within the existing structure's foot print)

# Section 2.5

## 2.5 Construction Setback Lines – Prior Approvals

2.5.1 At those locations where dune reconstruction has been approved by permit prior to the effective date of these Regulations and a construction setback line mutually agreed upon in writing between an owner/developer and the Division to be the landward toe of the reconstructed dune, that agreed upon line shall prevail over the current Building Line for the purposes of initial construction of a structure upon each affected parcel. Any subsequent additions to, or replacements of, the initially approved structure shall be subject to the Building Line as established pursuant to these Regulations and the appropriate sections thereof. Regardless of the developmental status of the parcels affected by this Section, all construction activities shall be subject to the Building Line upon its future reestablishment pursuant to Section 2.13 of these Regulations.

- \* Change “effective date of these Regulations” to August 13, 1981, the effective date of when the building line went into effect?



# Only applies to these subdivisions:

- \* North Shores
- \* Sea Del Estates
- \* Pelican's Pouch – Lot 10 and Lot 13 are still empty
- \* Bayberry Dunes
- \* Bethany Dunes
- \* Bethany Village

# Section 3.1.1.3

- \* Changing to average of smallest subset of lots is good.

# Sections 3.3.1: add “and State maintained” to 3.3.1.1, 3.3.1.2 & 3.3.1.3

## 3.3.1 The following activities are prohibited:

3.3.1.1 The operation of any motorized vehicle or machine on, over or across the primary dune on any State-owned and State maintained beach except at those locations specified by the Department for such use (see current State Parks Rules and Regulations for additional rules);

3.3.1.2 Transportation or storage of any type of boat across or on the primary dune on any State owned and State maintained beach except at locations approved or permitted by the Department

3.3.1.3 Pedestrian traffic on, over or across the primary dune on any State-owned and State maintained beach except at those locations specified by the Department for such use;

3.3.1.4 The alteration, moving or removal of any facility, improvement or structure installed or maintained by the Department for enhancement, preservation or protection of any beach; and

3.3.1.5 The damaging, destruction or removal of any trees, shrubbery, beachgrass or other vegetation growing on any State-owned or maintained beach seaward of the Building Line.

# Section 3.4.1

- \* How temporary is “temporary?” Certainly a year is longer than temporary. I’m thinking that anything “temporary” is also “seasonal” so up to 8 months is temporary??